

Remarks

Prior to this Amendment, claims 1-35 were pending in the present Application. Herein, claims 1, 7, 18, 24, 26, 32 and 33 have been amended, and no claims have been added. Claim 25 has been canceled. Accordingly, claims 1-24 and 26-35 are currently pending.

Claim Rejections – 35 U.S.C. § 102

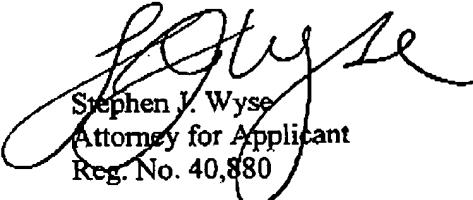
In paragraphs 1-3 of the Office Action, the Examiner rejected claims 18-20 as being anticipated by Sievers, et al (U.S. Patent No. 4,970,093) and claims 1-5, 7-15, 18-21, 23-29 and 32-35 as being anticipated by Morita, et al. (U.S. Patent 6,541,278). In response, Applicants have amended independent claims 1 and 32 to recite that the oxidizing agent must be an organic alcohol, organic acid, organic aldehyde (or combinations thereof), a limitation not found in either Sievers or Morita. Independent claim 18 has been amended to add the limitation that the workpiece has a surface and that the mixture of supercritical or near-supercritical fluid and at least one oxidizing agent reacts with the surface to form the recited layer of oxide. This limitation is likewise not found in the cited prior art. Claims 2-5, 7-15, 19-21, 23-29 and 33-35 depend directly or indirectly from a respective one of independent claims 1, 18 and 32 and are, therefore, distinguishable from the cited art for the same reason. In light of the amendments to the claims and the remarks above, Applicants believe this ground for rejection has been overcome.

Claim Rejections – 35 U.S.C. § 103

In paragraphs 4 and 5 of the Office Action, the Examiner rejected claims 6, 13, 16-17, 22, 27 and 30-31 under 35 U.S.C. § 103 as being unpatentable of Morita. In response, Applicants note that these claims depend directly or indirectly from a respective one of independent claims 1, 18 and 32 and are, therefore, distinguishable from the cited prior art for the reasons provided above. For this reason, Applicants believe that this ground for rejection has also been overcome.

In view of the above, Applicants respectfully submit that the application is in condition for allowance and request that the Examiner pass the case to issuance. If the Examiner should have any questions, Applicants request that the Examiner contact Applicants' attorney at the address below. No fee is believed due in connection with this filing. However, in the event that there are any fees due, please charge the same, or credit any overpayment, to Deposit Account No. 50-1065.

Respectfully submitted,



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October 27, 2005

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